

REMARKS

In the Final Office Action dated April 26, 2006, the Examiner rejected claims 1, 2, 5, 8, 9, 12, 15-18, 21, 24, 25, 28, 31, and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Hazard* (U.S. Patent No. 6,658,566) in view of *Sudia* (Published U.S. Patent Application 2005/0114666); rejected claims 3, 4, 6, 10, 11, 13, 19, 20, 22, 26, 27, and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Hazard* in view of *Sudia* and further in view of *Dilkie et al.* (U.S. Patent No. 6,341,164); and rejected claims 7, 14, 23, and 30 under 35 U.S.C. § 103(a) as being unpatentable over *Hazard* in view of *Sudia* in further view of “Applied Cryptography” by Schneier (“*Schneier*”). In a Decision on Appeal mailed November 3, 2008, the Board of Patent Appeals and Interferences (“Board”) affirmed these rejections.

By this Amendment, Applicants amend claims 1, 5, 6, 8, 12, 13, 17, 21, 22, 24, 28, 29, 31, and 32, and cancel claims 15 and 16. Claims 1, 5, 6, 8, 12, 13, 17, 21, 22, 24, 28, 29, 31, and 32 remain pending in this application. Applicants submit that as amended, the rejection of the claims are not sustainable for the reasons provided below.

On appeal, Applicants emphasized, among other things, that the claimed invention relates to sector level encryption and encrypts data by “us[ing] a different encryption key for each sector.” (*Appeal Brief*, p. 9.) In response, the Board asserts that the claims “do not recite any such ‘sector level encryption’ and thus such argument is not commensurate with the invention that is claimed.” (*Decision on Appeal*, p. 8.) Amended claim 1 now explicitly recites “performing sector level encryption.”

In affirming the Examiner's rejections, the Board asserts that the term sector may be reasonable construed to mean "a part or division" and thereby "Hazard teaches, or at the least, strongly suggest, that a different encryption/decryption key (CP₁, CP_i, and CP_m) is used for each of the sectors (the sector storing IS₁/IS₂, the sector storing IS(j-1), and the sector storing IS_m), i.e., the allocated area of the chip card. (*Decision on Appeal*, pp. 10-11.)

Amended claim 1 recites "a processing unit for dividing content data into separate content data portions, for storing each content data portion in a different sector within a first data block of the data storage area, and for storing a security header corresponding to the content data in a second data block of the data storage area." As acknowledged by the Board, *Hazard* discloses encrypting a plurality of sensitive information IS_j in a security module using a plurality of encryption protection keys CP_j. (*Decision on Appeal*, p. 10.) As interpreted by the Board, each of the plurality of sensitive information IS_j is stored in a sector. Moreover, *Hazard* defines "sensitive information" as "any information deemed confidential by the person holding it, for example a bank account number, a message, or even an entire document." (*Hazard*. at 1:36-38.) Nowhere does *Hazard* teach or suggest "a processing unit for dividing content data into separate content data portions, for storing each of the separate content data portions in a different sector within a first data block of the data storage area, and for storing a security header corresponding to the content data in a second data block of the data storage area," as recited in amended claim 1.

Amended claim 1 further recites, "a cryptosystem unit for performing sector level encryption by using a different encryption key for each sector of the first data block" and

wherein the “security header stored in the second data block includes each encryption key used for each sector of the first data block.” *Hazard* fails to teach or suggest the claimed “sector level encryption” and “security header.”

None of *Sudia*, *Dilkie et al.*, or *Schneier* cure the above deficiencies of *Hazard*. Accordingly, any proper combination of *Hazard*, *Sudia*, *Dilkie et al.*, and *Schneier* fails to establish a *prima facie* case of obviousness with respect to amended claim 1. Applicants thereby respectfully request that the rejection of claim 1 be withdrawn and the claim allowed.

Although of different scope than claim 1, independent claims 8, 17, 24, 31, and 32 distinguish over *Hazard* and *Sudia* for at least the same reasons as presented above for claim 1. Accordingly, Applicants also respectfully request the withdrawal of the rejection of claims 8, 17, 24, 31, and 32 under 35 U.S.C. § 103(a) and the timely allowance of the claims.

Dependent claims 5, 6, 12, 13, 21, 22, 28, and 29 are allowable at least for the reasons set forth above in connection with independent claims 1, 8, 17, and 24, and because they recite features not taught or suggested by the cited references. Accordingly, Applicants also respectfully request withdrawal of the rejection of dependent claims 5, 6, 12, 13, 21, 22, 28, and 29 under 35 U.S.C. § 103(a) and the timely allowance of these claims.

In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims. The pending claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding remarks in favor of patentability are advanced


without prejudice to other bases of patentability. Furthermore, the Decision on Appeal contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Decision on Appeal.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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